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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/679,963
 Applicants : Gene Mason et al.
 Filed : October 6, 2003
 TC/A.U. : 3736
 Examiner : Matthew J. Kremer

Title : **OPTICAL PROBE
INCLUDING
PREDETERMINED
EMISSION WAVELENGTH
BASED ON PATIENT TYPE**

Docket No. : MASIMO.353A
 Cust. No. : 20,995

Confirmation No. : 3580

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March 23, 2005

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Commissioner for Patents
 United States Patent and Trademark Office
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 Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION
DATED DECEMBER 23, 2004**

Sir:

In response to the Office action of December 23, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 5 of this paper.